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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,101	02/24/2005	Lauri Ketonen	11001.147	2661
7590 03/13/2006			EXAMINER	
Fildes & Outland Suite 2 20916 Mack Avenue Grosse Pointe Woods, MI 48236			SELF, SHELLEY M	
			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/526,101

Applicant(s)

KETONEN, LAURI

Examiner

Shelley Self

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/24/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "33.3" has been used to designate both *bushings* (pg. 4, line 17) and *links* (pg. 5, line 36), reference character "34.1" has been used to designate both *middle rollers* (pg. 4, line 16) and *smaller roller* (pg. 6, line 12) and reference character "19" has been used to designate both *motor* (pg. 5, line 18) and *suspension joint* (pg. 5, line 19).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "14.2" and "17.3" have both been used to designate *side plates* (pg. 5, lines 21, 23, 29). It is unclear if the reference characters are different side plates of the crawler track 17 or the same side plates. Clarification is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 14.1, 17.1, 20, 21 & 33.4.

All of the drawings should be reviewed for clarity and proper correlation between all reference characters and the written description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet

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submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The first line of the specification should contain a sentence regarding the continuity/priority, for example, --This application is a continuation, divisional, CIP of WO....filed...now pending.--

The disclosure is objected to under CFR 1.71(b), with regard to page 6, lines 21-29 of the specification, it is not clear what includes a carbonized layer, i.e. what element or structure of the feeder device has been hardened or is being hardened by carbon tempering.

Appropriate correction is required.

The disclosure is objected to because of the following informalities:

-Pg. 6, line 17, “0,8-1,3” should be -0.8-1.3—

-Pg. 6, line 21, “0,65 – 0,9%” should be 0.65- 0.9%--

-Pg. 6, Line 25 “1 – 2,5” should be -1- 2.5—

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Neither the specification nor the drawings provide support for a feeder device comprising rolling guides and a middle-rolling base. It is unclear how these elements interrelate. For the purposes of examination the rolling base is understood to be the rolling guide.

Additionally, the specification fails to provide adequate support for the recitation, "the rolling guides form a unified wear piece" (clm. 6)

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 1, it is unclear what is meant by, "*rolling guides extend for a great length on the adhesive side*", the adhesive side of what? Clarification is required. Further regarding claim 1, the recitation, "its" (lines 13 & 14) is not clear, i.e. it is unclear what "its" refers to. Examiner suggests, use of element/structure its refers to, for example, --sprocket teeth of said drive sprocket--

Line 14 of claim 1, "*through its roller*" is especially confusing because it is unclear which rollers are being referred to, i.e., the outer or middle rollers. Clarification is required.

Further regarding line 18 of claim 1, it is unclear what is meant by the recitation "*in which case*". Clarification is required.

There are insufficient antecedent bases for the following:

"*the adhesion side*" (clm. 1, line 5)

"*the rolling base*" (clm. 1, line 18)

"*the outer rolling base*" (clm. 1, line 19)

"*the outer rollers*" (clms. 2-4)

"*the side plates*" (clm. 8)

With regard to claim 5, the recitation, "*in that seen from the side*" is not clearly understood. Examiner notes no positive recitation has been made or defined in relation to a front, back, side, etc...thus "seen from the side" is relative to an initial position and does not clearly define a structural relationship. Clarification is required.

In general, the claim(s) reads more in the form of an Abstract as opposed to proper apparatus claim(s).

All claims should be reviewed for clarity, definiteness and antecedent basis concerns.

Allowable Subject Matter

Claims 1-9 appear to contain allowable subject matter and would be deemed allowable over the prior art of record, if re-written in the same scope encompassing all positively recited subject matter and to correct the 35 U.S.C. 112 rejections noted above.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, feeder device in a timber harvester comprising a *middle row of links and*

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outer rows of links, each row of links including rollers rolling in corresponding rolling guides characterized in that the outer rows of links of the roller chain are equipped with rollers of a greater diameter than the rollers of the middle row of links in combination with the rest of the positively claimed limitations as set forth in claim 1.

The prior art of record, Ketonen (6,202,719) discloses a feeder device for a timber harvester which includes a frame (11), a 3 row roller chain/crawler track (17) arranged to rotate around a drive sprocket (24), a turnover member/idler (25) and rolling/slide guides (22, 23) having an adhesion side extending between the drive sprocket (24) and idler (25). Ketonen further discloses the crawler track (17) to be composed of a middle row of links (17.1) and two outer rows of links (17.2), the drive sprocket (24) driving the middle row of links while the outer rows of links (17.2) are supported by the idler (25). Ketonen discloses that spikes (18) on the outer/adhesion side of the crawler track (17) grip a tree (1) and further feed the tree to the harvesting machine (fig, 1). Ketonen does not disclose *a middle row of links and outer rows of links, each row of links including rollers rolling in corresponding rolling guides characterized in that the outer rows of links of the roller chain are equipped with rollers of a greater diameter than the rollers of the middle row of links*. Ketonen is silent to any middle and outer rollers or any relationship of the diameter of outer rollers to middle rollers. Further, Applicant's disclosure lends criticality to outer rollers having a diameter greater than the diameter of the middle roller(s) for increased life of the crawler track.

Accordingly, Ketonen fails to anticipate or render obvious the claimed invention as set forth in claim 1. Therefore, as noted above claim 1 and thus claims 2-9 based on their

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dependency to claim 1 appear to contain allowable subject matter over that of the prior art of record and would be deemed allowable if written to overcome the 35 U.S.C. 112 rejections noted above.

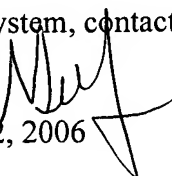
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

March 2, 2006



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